

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

GINA TORRES, ET AL.,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 4:19-CV-1525-DDN
)	
CITY OF ST. LOUIS, ET AL.,)	
)	
Defendants.)	
)	

**DEFENDANTS’ MOTION TO FILE UNDER SEAL CERTAIN EXHIBITS TO THEIR
MEMORANDUM IN SUPPORT OF THEIR MOTION TO EXCLUDE THE
TESTIMONY OF L. SAMUEL ANDREWS**

COME NOW Defendants Lance Coats, Glennon P. Frigerio, Joshua D. Becherer, Nicholas J. Manasco, Ronald Allen Jr., John C. Jones, Mark S. Seper, Jon B. Long, Tim Boyce and Benjamin Lacy (collectively referred to herein as the “Defendant Officers”) and the City of St. Louis (“City”), and pursuant to Local Rule 83 – 13.05, respectfully request that this Court grant Defendants leave to file Exhibits F, G, and H to their Memorandum in Support of their Motion to Exclude the Testimony of L. Samuel Andrews under seal (“Memorandum”). In support, Defendants state as follows:

1. Plaintiffs Gina Torres and Dennis Torres allege that Defendants violated Plaintiffs’ civil rights on June 7, 2017 when the Defendant Officers used deadly force against Decedent Isaiah Hammett while executing a search warrant. This shooting was investigated by the City of St. Louis Police Department’s Force Investigative Unit, and the scene was documented by the department’s Evidence Technician Unit.

2. All officer-involved shootings involving City of St. Louis police officers are now submitted to the Circuit Attorney's Office ("CAO") for review, including the use of force incident at issue in this lawsuit. As of today's date, the City is not aware of the CAO having formally issued a decision as to whether criminal charges will be issued against the officers relating to the use of force on June 7, 2017. Due to the uncertainty of the status of the CAO's investigation and out of an abundance of caution, Defendants consider the CAO's review of the use of force that is the subject of this lawsuit an "open" investigation.
3. Because it remains unclear as of the date of filing whether the review of the officers' use of force remains an "open" investigation by the CAO, Defendants respectfully request that the Court permit that Defendants file under seal the following exhibits accompanying their Memorandum:

- a. Exhibit F (Affidavit of Firearms Examiner Julie Davis and Laboratory Report #9 and supporting documentation),
 - b. Exhibit G (deposition transcript of ETU technician Jennifer Sommer),
and
 - c. Exhibit H (photograph depicting ballistics damage at scene).
4. This Motion for Leave to File Under Seal is made in good faith and will not prejudice the Plaintiffs.

WHEREFORE, good cause having been shown, Defendants respectfully request that this Court permit that Exhibits F, G, and H to Defendants' Memorandum in Support of their Motion to Exclude the Testimony of L. Samuel Andrews be filed under seal.

Respectfully submitted,

JULIAN BUSH
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CERTIFICATE OF SERVICE

I hereby certify this Motion was electronically filed with the Court on this **23rd day of September 2020** for service by means of Notice of Electronic Filing upon all attorneys of record.

/s/ Erin K. McGowan